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HOUSE BILL 2702

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State of Washington

54th Legislature

1996 Regular Session

By Representatives McMorris, Chandler, Koster, Clements, Lisk and Honeyford

Read first time 01/16/96. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to seasonal employment; amending RCW 51.08.178; and  
2 creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 51.08.178 and 1988 c 161 s 12 are each amended to read  
5 as follows:

6 (1) For the purposes of this title, the monthly wages the worker  
7 was receiving from all employment at the time of injury shall be the  
8 basis upon which compensation is computed unless otherwise provided  
9 specifically in the statute concerned. In cases where the worker's  
10 wages are not fixed by the month, they shall be determined by  
11 multiplying the daily wage the worker was receiving at the time of the  
12 injury:

13 (a) By five, if the worker was normally employed one day a week;

14 (b) By nine, if the worker was normally employed two days a week;

15 (c) By thirteen, if the worker was normally employed three days a  
16 week;

17 (d) By eighteen, if the worker was normally employed four days a  
18 week;

1 (e) By twenty-two, if the worker was normally employed five days a  
2 week;

3 (f) By twenty-six, if the worker was normally employed six days a  
4 week;

5 (g) By thirty, if the worker was normally employed seven days a  
6 week.

7 The term "wages" shall include the reasonable value of board,  
8 housing, fuel, or other consideration of like nature received from the  
9 employer as part of the contract of hire, but shall not include  
10 overtime pay except in cases under subsection (2) of this section.  
11 However, tips shall also be considered wages only to the extent such  
12 tips are reported to the employer for federal income tax purposes. The  
13 daily wage shall be the hourly wage multiplied by the number of hours  
14 the worker is normally employed. The number of hours the worker is  
15 normally employed shall be determined by the department in a fair and  
16 reasonable manner, which may include averaging the number of hours  
17 worked per day.

18 (2) In cases where (a) the worker's employment at the time of  
19 injury is ((~~exclusively~~)) seasonal in nature or (b) the worker's  
20 ((~~current~~)) employment at the time of injury or his or her relation to  
21 his or her employment is essentially part-time or intermittent, the  
22 monthly wage shall be determined by dividing by twelve the total wages  
23 earned, including overtime, from all employment in any twelve  
24 successive calendar months preceding the injury which fairly represent  
25 the claimant's employment pattern. For the purposes of this  
26 subsection, employment is seasonal in nature when the work is dependent  
27 on the seasons because the work can be performed only at certain times  
28 of the year.

29 (3) If, within the twelve months immediately preceding the injury,  
30 the worker has received from the employer at the time of injury a bonus  
31 as part of the contract of hire, the average monthly value of such  
32 bonus shall be included in determining the worker's monthly wages.

33 (4) In cases where a wage has not been fixed or cannot be  
34 reasonably and fairly determined, the monthly wage shall be computed on  
35 the basis of the usual wage paid other employees engaged in like or  
36 similar occupations where the wages are fixed.

1        NEW SECTION.    **Sec. 2.**    This act applies to all claims filed under  
2 Title 51 RCW on or after November 1, 1990, except those claims that  
3 have been finally adjudicated before the effective date of this act.

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